

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

700-0013

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "COMMISSION", Union Pacific Railroad Company, hereinafter referred to as the "COMPANY", the City of Chicago, hereinafter referred to as the "CITY", and the State of Illinois, Department of Transportation, hereinafter referred to as the "DEPARTMENT".

WITNESSETH:

WHEREAS, it has come to the attention of the COMMISSION through written correspondence from the CITY that inquiry should be made into the matter of improving public safety at the highway underpass ("subway") structure carrying the Company's tracks over Armitage Avenue in the City of Chicago, Cook County, Illinois, designated as crossing DOT 174174C, milepost 2.46CNWR; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by representatives of the CITY and COMMISSION staff; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and all other pertinent data relating to the subway structure have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the COMMISSION by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the COMMISSION enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvement in the interest of public safety at the aforesaid crossing should be:

- a) the lowering of the pavement under the subway structure at Armitage Avenue, Cicero Avenue to Central Park, to increase the vertical clearance from the existing 13'0" to a minimum of 14'1" as indicated on Exhibit A, pages 2 and 3.

Section 3 The CITY has prepared a preliminary estimate of cost to accomplish

DOCKETED

the proposed improvement which it may be required to perform, said estimate is attached as Exhibit B, and shall upon order according to the requirements contained therein prepare detailed drawings, estimates of cost and any required specifications for the proposed improvement for the approval of the COMMISSION and DEPARTMENT.

Section 4 The CITY shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvement, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be at six (6) month intervals, and for the completion of the proposed improvements should be twenty-four (24) months, from the date of COMMISSION Order subsequent to this agreement.

The CITY shall file a written report with the Director of Processing and Information, Transportation Division of the COMMISSION, within fifteen (15) days of the conclusion of each calendar quarter, stating the progress of billing to the COMMISSION for Grade Crossing Protection Fund reimbursement and percentage of completion of the project; if the project is behind schedule, the CITY must include in the report a brief explanation of the reasons for the delay.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost for lowering the pavement under the structure at Armitage Avenue, estimated to be \$297,699, should be divided 60% in an amount not to exceed \$178,619, to the Grade Crossing Protection Fund with all remaining cost being borne by the City.
- b) future maintenance costs of the structure and the pavement shall be divided in the same manner as for the existing subway structure and roadway.

Section 6 The CITY is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit D.

Section 7 Special Provisions. In view of the fact that federal funding may be utilized for the structure and roadway improvements, all such work shall be governed by applicable provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted December 9, 1991.

Since the roadway improvements will be performed by the CITY and/or its contractor, contractor insurance and railroad liability insurance will be required as specified in Illinois Department of Transportation "Standards and Specifications for Road and Bridge Construction" Section 107.

Since the structure will continue to have an under clearance of less than 14'6", the CITY shall install and maintain clearance signs at the structure in accordance with 92 Ill. Adm. Code 1535.606 of the COMMISSION.

All bills for expenditures authorized to be reimbursed from the Grade Crossing protection Fund shall be submitted to the Director of Processing, Transportation Division of the COMMISSION. The final bill for expenditures from each party shall be

clearly marked "Final Bill". All bills shall be submitted to the COMMISSION no later than twenty four (24) months from the date of COMMISSION Order subsequent to this agreement. The Department shall, at the end of the 24th month from the COMMISSION's Order date, de-obligate all residual funds accountable for installation cost for this project

The Company shall within ninety (90) days of the date of COMMISSION's. Order subsequent to this Agreement, submit to the Director of Processing, Transportation Division of the COMMISSION, the name, title, mailing address, phone number and facsimile number of a project manager.

Section 8 This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the COMMISSION shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

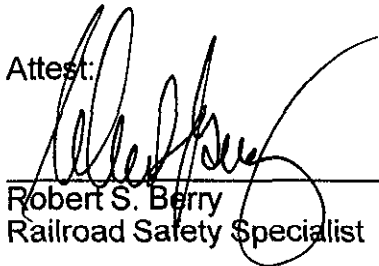
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the COMMISSION this 24th day of November, 1999.



Michael E. Stead
Railroad Safety Program
Administrator

Attest:



Robert S. Berry
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 904 concerning improvements at the highway underpass structure carrying the Union Pacific Central Railroad Company tracks over Armitage Avenue in the City of Chicago, Cook County, Illinois, designated as crossing AAR/DOT 174 174C, milepost 2.46CNWR.

Executed by the Department this 20TH day of DECEMBER 1999.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James C. Shifon
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 904 concerning improvements at the highway underpass structure carrying the Union Pacific Central Railroad Company tracks over Armitage Avenue in the City of Chicago, Cook County, Illinois, designated as crossing AAR/DOT 174 174C, milepost 2.46CNWR.

Executed by the Company this 17 day of January ²⁰⁰⁰ 1999.

UNION PACIFIC RAILROAD
COMPANY

By: Thomas J. O'Gee
CHIEF ENGINEER


Attest:

Kathy Klockner

Illinois Commerce Commission Stipulated Agreement No. 904 concerning improvements at the highway underpass structure carrying the tracks of the Union Pacific Central Railroad Company over Armitage Avenue in the City of Chicago, Cook County, Illinois, designated as crossing AAR/DOT 174 174C, milepost 2.46.

Executed by the City of Chicago this 16th day of February, 2000.

THE CITY OF CHICAGO

By: 

Attest:



STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

STIPULATED AGREEMENT SURVEY FORM

EXISTING
HIGHWAY UNDER RAILROAD

GENERAL INFORMATION:

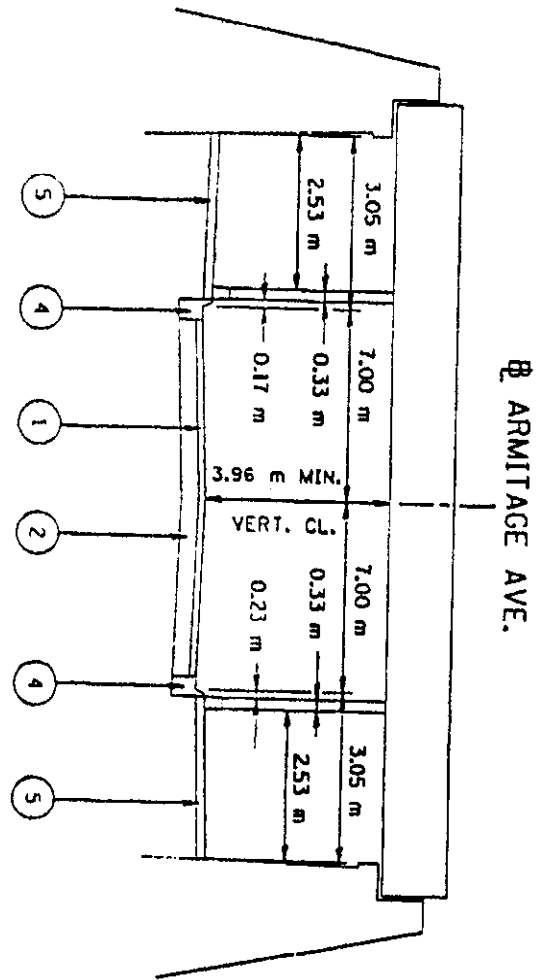
RR/LINE Union Pacific MILEPOST 2.46 CNWR INVENTORY NO. 174 174C
CITY Chicago STREET Armitage COUNTY Cook
ROADWAY JURISDICTION City URBAN ☒ RURAL ☐ COMMERCIAL ☒ RESIDENTIAL ☒
APPROACH SURFACE Bituminous WIDTH 46' F-F CONDITION Fair
ADT 17,600 SPEED 30 mph STATEWIDE Yes
SCHOOL BUSES Yes HAZ MAT OTHER
NUMBER AND TYPE OF TRACKS 2 MAIN OTHER

STRUCTURE INFORMATION:

STRUCTURE NO. ANGLE 90° CONDITION Good
PRESENT STRUCTURE TYPE Concrete
NUMBER AND LENGTHS OF SPANS 1 span, 65'
DECK WIDTH ROADWAY WIDTH See above
WALKWAYS WEARING SURFACE Bituminous Concrete
VERTICAL UNDERCLEARANCE 13'0"

COMMENTS: Pavement is to be lowered under the structure to increase the vertical clearance from the existing 13'0" a new vertical clearance of 14'1".

Approach grades East: 3.31%
West: 4.59%

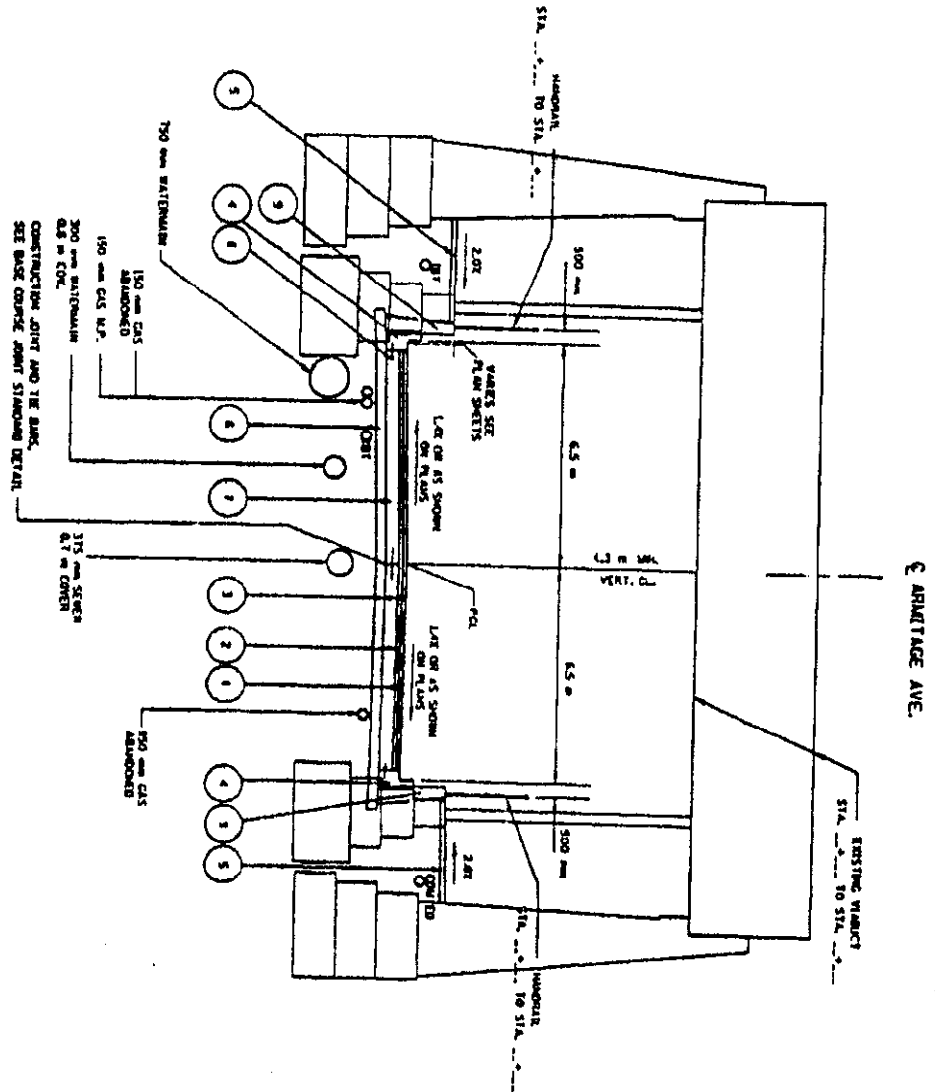


EXISTING TYPICAL CROSS-SECTION

UNION PACIFIC RAILROAD BRIDGE (4600 W)

STA. 10+374 TO STA. 10+404

| | | | |
|---|--|---|--|
| <p>ARMITAGE AVENUE CROSSING ARMITAGE IN EXISTING TYPICAL CROSS SECTION</p> | | <p>CITY OF CHICAGO DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAYS</p> | |
| <p>EXISTING TYPICAL SECTIONS</p> | | <p>18</p> | |
| <p>ENCLOSURE Infrastructure and Transportation Planning and Engineering Division Chicago, Illinois 60606</p> | | <p>18</p> | |



LEGEND

- 1 BITUMINOUS CONCRETE SURFACE COURSE, 2.40 in
- 2 BITUMINOUS CONCRETE BASE COURSE, TYPE 2, 40 in
- 3 BITUMINOUS WATERPROOFING PRIME COAT
- 4 COMBINATION CONCRETE CURB AND GUTTER, SPECIFY
- 5 PORTLAND CEMENT CONCRETE SIDEWALK, 18 in
- 6 SUB-BASE GRANULAR MATERIAL, TYPE B, 60 mm
- 7 PORTLAND CEMENT CONCRETE BASE COURSE, 200 mm
- 8 TIE SLABS
- 9 MASS WALL

NOTES:

- 1 REMOVE EXISTING CONCRETE CURB AND REPLACE WITH COMBINATION CONCRETE CURB AND GUTTER, SPECIFY AT LOCATIONS SHOWN ON THE PLANS OR AS DIRECTED BY THE COMMISSIONER.
- 2 REMOVE AND REPLACE EXISTING CONCRETE SIDEWALK WITH PORTLAND CEMENT CONCRETE SIDEWALK, 18 in, AT LOCATIONS SHOWN ON THE PLANS OR AS DIRECTED BY THE COMMISSIONER.
- 3 IN AREAS OF REPAIR, THE CONTRACTOR SHALL REMOVE THE EXISTING CONCRETE SURFACE TO THE TOP OF THE EXISTING CONCRETE BASE COURSE OR TO THE TOP OF THE GRANITE SLABS OR TO A MINIMUM DEPTH OF 60 mm, AND DETENTION AND/OR PATCH CONCRETE BASE SHALL BE REPAIRED WITH CONCRETE AS SPECIFIED. THE CONTRACTOR SHALL PATCH WITH A 25 mm LAYER OF BITUMINOUS CONCRETE TYPING BRIDGE.

PROPOSED TYPICAL CROSS-SECTION UNION PACIFIC RAILROAD BRIDGE (14500 W)

STA 10+30 TO STA 10+40

| | | | |
|------------------------------------|--|------------------------------|--|
| ARAJIACE AVENUE | | CITY OF CHICAGO | |
| CROSS SECTION 18' CHANNEL FROM JAW | | DEPARTMENT OF TRANSPORTATION | |
| PROPOSED TYPICAL SECTIONS | | SHEET NO. 20 | |
| DESIGNER: INFRASTRUCTURE | | DATE: 10/10/10 | |
| CHECKED: [Signature] | | SCALE: 1" = 10' | |
| DRAWN: [Signature] | | PROJECT: 10-10-10 | |

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

PRELIMINARY HIGHWAY SUBWAY COST ESTIMATE

Date November 22, 1999

Agreement # 904

The cost to accomplish the highway subway improvements contemplated in Section 2 of this Agreement is estimated to be \$297,699.

GENERAL ITEM COSTS

| | | |
|----|--|------------------|
| 1 | Earth Excavation | \$ 7,500 |
| 2 | Sub-base Granular Material | \$ 15,725 |
| 3 | Portland Cement concrete Driveway and Alley Pavement | \$ 7,130 |
| 4 | Portland Cement Concrete Sidewalk | \$ 16,673 |
| 5 | Portland Cement Concrete Base Course | \$ 61,050 |
| 6 | Bituminous Concrete Surface Course, Mix D, Class I | \$ 8,325 |
| 7 | Bituminous Concrete Binder Course | \$ 7,770 |
| 8 | Pavement Removal | \$ 3,556 |
| 9 | Driveway and Alley Pavement Removal | \$ 1,890 |
| 10 | Curb Removal | \$ 3,500 |
| 11 | Sidewalk Removal | \$ 7,205 |
| 12 | Storm Sewers, Type 2 | \$ 4,810 |
| 13 | Catch Basins, Type A, 1.2m Diameter, Frames and Lids | \$ 10,800 |
| 14 | Structures to be Adjusted | \$ 880 |
| 15 | Removing Catch Basins | \$ 1,750 |
| 16 | Removing Inlets | \$ 400 |
| 17 | Combination Concrete Curb and Gutter | \$ 6,075 |
| 18 | Combination Concrete Curb and Gutter, TyA | \$ 1,560 |
| 19 | PCC Mass Wall | \$ 29,250 |
| 20 | Handrail | \$ 6,000 |
| 21 | Engineer's Field Office, Type A | \$ 2,200 |
| 22 | Traffic Control and Protection | \$ 15,000 |
| 23 | Stabilization Stone | \$ 650 |
| 24 | RR Premium Insurance | \$ 10,000 |
| 25 | Construction Observation 10% | \$ 24,000 |
| 26 | Contingency | \$ 24,000 |
| | Grand total | \$297,699 |

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date February 16, 2000

Agreement # 904

The City Council
(Board or Council of Township, Village, City, County, etc.)

meeting on February 16, 2000 Resolved to authorize Judith C. Rice, Commissioner, CDOT
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and
that the City of Chicago is financially willing and able to
(Township, Village, City, County)
bear the cost for the proposed improvements as may be assigned to it according
to Section 5 of this Agreement.